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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. FAA-2015-8761]

RIN 2120-AA65

Amendment of Authority Citation for Standard Instrument Procedures

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: To update and clarify the Administrator's rulemaking authority to be consistent with other parts of its regulations, the FAA is amending the authority citation for part 97.

DATES: Effective 0901 UTC, [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: For 14 CFR part 97 rulemaking actions: All Standard Instrument Approach Procedures (SIAPs) and Takeoff Minimums and Obstacle Departure Procedures (ODPs) are available online at <https://nfdc.faa.gov>. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located. For information on the availability of this information at the National Archives and Records Administration (NARA), call (202) 741-6030, or go to http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.

FOR FURTHER INFORMATION CONTACT: Robert Frenzel, Regulations

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SUPPLEMENTARY INFORMATION:**The Rule**

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 97 amends the authority citation for part 97; Standard Instrument Procedures, by adding an additional citation, 49 U.S.C. 106(f), at the beginning of the authority citation string.

This action updates and clarifies the Administrator's rulemaking authority to be consistent with other parts of Title 14, Code of Federal Regulations.

This is an administrative change reflecting clarification of rulemaking authority, therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary. Also, as provided in 5 U.S.C. 553(d), this rule is being published with an effective date of less than 30 days in order to keep current standard instrument approach procedures (SIAPs) previously published in the FEDERAL REGISTER with later effective dates, and other SIAPs soon to be published.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified

that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103, sovereignty and use of airspace and Subpart iii, section 44701, general requirements. Under these sections, the FAA is charged with prescribing regulations to regulate the safe and efficient use of the navigable airspace; to govern the flight, navigation, protection, and identification of aircraft for the protection of persons and property on the ground, and for the efficient use of the navigable airspace (49 U.S.C. 40103(b)), and to promote safe flight of civil aircraft in air commerce by prescribing regulations and minimum standards for other practices, methods, and procedures necessary for safety in air commerce and national security (49 U.S.C. 44701(a)(5)). This regulation is within the scope of that authority as it further describes the authority of the FAA Administrator for part 97 rulemaking.

Lists of Subjects in 14 CFR Part 97:

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air)

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 97 as follows:

PART 97 –STANDARD INSTRUMENT PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, and 44721-44722.

Issued in Washington, D.C., on January 6, 2016.

Lirio Liu

Director, Office of Rulemaking.

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